

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Huntington

Date: 12/8/2021 Case Number 3:18-cv-01526

Case Style Baxley vs. Jividen

Type of hearing Motion Hearing

Before the Honorable: 2514-Chambers

Court Reporter Kathy Swinhart

Courtroom Deputy Terry Justice

Attorney(s) for the Plaintiff or Government

Bren Pomponio, Lydia Milnes

Attorney(s) for the Defendant(s)

William Murray, Mark McGhee

Law Clerk Gemma Fearn

Probation Officer

Court Times

Start Time	Stop Time	Court Time Description
11:13 AM	1:47 PM	Court actively conducting trial proceedings/Contested proceedings
2:06 PM	2:39 PM	Court actively conducting trial proceedings/Contested proceedings
2:53 PM	3:27 PM	Court actively conducting trial proceedings/Contested proceedings
3:38 PM	4:00 PM	Court actively conducting trial proceedings/Contested proceedings

Court actively conducting trial proceedings/Contested proceedings 04:03

Courtroom Notes

Hearing scheduled to commence: 11:00 a.m.

Hearing commenced: 11:13 a.m.

Plaintiffs' counsel, Lydia Milnes and witness, Jennifer Wagner, appeared by video.

Court addressed matters related to the motions with the parties.

Motion by Plaintiffs to Enforce Consent Order on Plaintiff's Renewed Emergency Motion for Preliminary Injunction Regarding Defendant's Prevention, Management, and Treatment of COVID-19. ECF No. 472.

Plaintiffs' 1st witness, Jennifer Wagner, sworn & examined.

Plaintiffs' exhibit #1 identified

Plaintiffs' exhibit #2 identified.

Plaintiffs' exhibit #1 admitted.

The Court reserved admission of Plaintiffs' exhibit #2.

Plaintiffs' exhibit #3 identified.

Plaintiffs' exhibit #4 identified.

Plaintiffs' exhibit #5 identified.

Plaintiffs' exhibit #5 admitted.

Plaintiffs' exhibit #s 3 & 4 admitted.

Plaintiffs' exhibit #2 admitted.

Defendant's 1st witness, Webster J. Arceneaux, III, sworn & examined.

Defendant's exhibit #1 identified & admitted.

The Court addressed Mr. Arceneaux's notes.

Recessed: 1:47 p.m.

Resumed: 2:06 p.m.

Plaintiffs' exhibit #s 6 & 7 identified & admitted.

Defendant's 2nd witness, Betsy Jividen, sworn & examined.

Defendant's exhibit #2 identified & admitted.

Recessed: 2:39 p.m.

Resumed: 2:53 p.m.

Continued examination of Ms. Jividen.

Plaintiffs' exhibit #8 identified & admitted.

Recessed: 3:27 p.m.

Resumed: 3:38 p.m.

Argument.

Motion denied.

Motion by Betsy Jividen to Quash [484] Amended Notice of Intent to Serve Subpoenas and [488] Notice of Intent to Serve Subpoenas. ECF No. 489. Motion denied as moot.

Motion by John Baxley, Jr, Earl Edmondson, Joshua Hall, Heather Reed, Danny Spiker, Jr, Donna Wells-Wright to Compel Attendance of Key Witness and Production of Documents, or in the alternative, Preclude Defendant From Offering Evidence Not Within Her Personal Knowledge. ECF No. 492. Motion denied as moot.

Adjourn: 4:00 p.m.